IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 6728 OF 2007

Rajesh Dattatraya Pardeshi.... Petitioner

versus

Babulal Bhagwan Pardeshi & anr..... Respondent.

Shri Uday P.Warunjikar for the petitioner.
Shri R.A.Thorat i/b B.M.Bhagwat for the respondent

CORAM; A.P. DESHPANDE, J.
DATED; 11TH SEPTEMBER, 2007

P.C.;

1. An order passed by Ad-hoc District Judge dated 4-7-2007 imposing a condition on the petitioner/appellant, to deposit Rs. one lac each for the defendant nos. 1 and 2, while granting stay of possession, is challenged by filing the present petition. The subject matter of suit is a small hotel. The petitioner instituted a suit against his uncle and the defendant filed a counter claim. The counter claim has been allowed and possession of the hotel is directed to be handed over to defendant nos.1 and 2. The said decree has been stayed and hence the First Appellate Court tried to secure the amount at the rate of Rs. 50/- per day, in accordance with the direction contained in paragraphs 6 and 7 of the

operative part of the judgment of the trial court. As the delivery of possession of hotel has been stayed by the First Appellate Court, it is justified in imposing reasonable condition while granting stay.

2. Perused the order. The same does not call for any interference. Hence writ petition is summarily dismissed.

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